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**MAILED**

**DEC 23 2010**

**OFFICE OF PETITIONS**

In re Patent No. 7,040,706	:	
Issue Date: May 09, 2006	:	CORRECTED
Application No. 10/731,876	:	DECISION ON PETITION
Filed: December 09, 2003	:	
Attorney Docket No. 1499.006US1	:	

This is a decision on the petition under 37 CFR 1.378(c), filed July 26, 2010, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (3) above.

Petitioner has submitted a \$65.00 surcharge fee for late payment under 37 CFR 1.20(h), however the required fee for late payment after expiration is \$1,640.00 as set forth in 37 CFR 1.20(i)(2).

Further correspondence with respect to this matter should be addressed as follows:

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